

TEXAS ETHICS COMMISSION

IN THE MATTER OF

COMBINED LAW ENFORCEMENT
ASSOCIATIONS OF TEXAS PAC,

RESPONDENT

§
§
§
§
§
§
§

BEFORE THE

TEXAS ETHICS COMMISSION

SC-2805240

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on October 13, 2008, to consider sworn complaint SC-2805240. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of section 253.037(b) of the Election Code, a law administered and enforced by the commission. To resolve and settle this complaint without further proceedings, the commission proposes this resolution to the respondent.

II. Allegation

The complaint alleges that the respondent made a political contribution to another general-purpose committee without first disclosing the recipient committee on its campaign treasurer appointment.

III. Facts Supported by Credible Evidence

Credible evidence available to the commission supports the following findings of fact:

1. The respondent is a general-purpose political committee.
2. The respondent filed a campaign treasurer appointment in October 1981 and has amended its treasurer appointment multiple times since then. Charles Wilkison is the current treasurer for the respondent, a position he has held since the respondent filed an amended treasurer appointment naming him as treasurer in June 1998.
3. The respondent's March 2008 monthly report covering the period from January 26, 2008, through February 25, 2008, discloses a \$7,500 political expenditure on February 25, 2008, to "Montgomery Co. LEA PAC" for the purpose of "contribution."

4. On May 29, 2008, the respondent filed an amended treasurer appointment that added the Montgomery County Law Enforcement Association (MCLEA) PAC as a recipient general-purpose committee.
5. In response to the sworn complaint, Wilkison submitted an affidavit in which he admits that the respondent made a political contribution to MCLEA PAC without first disclosing MCLEA PAC as a recipient general-purpose committee on its treasurer appointment. Wilkison characterizes the mistake as a bookkeeping oversight and swears that the political contribution to MCLEA PAC was not knowingly made in violation of section 253.037 of the Election Code.

IV. Findings and Conclusions of Law

The facts described in Section III support the following findings and conclusions of law:

1. A general-purpose committee may not knowingly make a political contribution to another general-purpose committee unless the other committee is listed in the campaign treasurer appointment of the contributor committee. ELEC. CODE § 253.037(b).
2. The respondent amended its campaign treasurer appointment on May 29, 2008, to disclose MCLEA PAC as a recipient general-purpose committee. However, the evidence shows that the respondent made a \$7,500 political contribution to MCLEA PAC before making the proper disclosure. Although the respondent swears the political contribution at issue was not knowingly made in violation of the relevant law, the term “knowingly” refers to the act of making the political contribution. Knowledge that a political contribution was made in violation of the law is not required to show a violation of section 253.037(b) of the Election Code. Therefore, there is credible evidence that the respondent violated section 253.037(b) of the Election Code.

V. Representations and Agreement by Respondent

By signing this order and agreed resolution and returning it to the commission:

1. The respondent neither admits nor denies the facts described under Section III or the commission’s findings and conclusions of law described under Section IV, and consents to the entry of this order and agreed resolution solely for the purpose of resolving this sworn complaint.
2. The respondent consents to this order and agreed resolution and waives any right to further proceedings in this matter.
3. The respondent acknowledges that a general-purpose committee may not knowingly make a political contribution to another general-purpose committee unless the other committee is

listed in the campaign treasurer appointment of the contributor committee. The respondent agrees to comply with this requirement of the law.

VI. Confidentiality

This order and agreed resolution describes a violation that the commission has determined is neither technical nor *de minimis*. Accordingly, this order and agreed resolution is not confidential under section 571.140 of the Government Code and may be disclosed by members and staff of the commission.

VII. Sanction

After considering the seriousness of the violation described under Sections III and IV, including the nature, circumstances, and consequences of the violation, and after considering the sanction necessary to deter future violations, the commission imposes a \$100 civil penalty.

VIII. Order

The commission hereby orders that if the respondent consents to the proposed resolution, this order and agreed resolution is a final and complete resolution of SC-2805240.

AGREED to by the respondent on this _____ day of _____, 20__.

Combined Law Enforcement Associations
of Texas PAC, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director